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February 20, 2014

The Honorable Richard G. Andrews
United States District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, Delaware 19801

Re: *Robocast Inc. v. Microsoft Corporation*, C.A. No. 10-1055-RGA

Dear Judge Andrews:

We write on behalf of plaintiff Robocast Inc. ("Robocast") in response to the Court's oral order of earlier today (D.I. 495) and the letter (D.I. 497) from Mr. Halkowski on behalf of Microsoft Corporation ("Microsoft") providing Microsoft's position in response to that order.

Robocast disagrees with the statements and conclusions made in Microsoft's letter. "Sports Channel" remains in this case because the Special Master determined that Microsoft spoliated evidence with respect to that accused product, and that spoliation is precisely why Robocast was not able to present expert opinion that Sports Channel infringes one or more of the asserted claims. Given the very limited evidence available concerning how Sports Channel worked, Robocast believes that Sports Channel may have infringed at least claims 1, 37, and 38 of the '451 patent.

Unfortunately, Sports Channel was inadvertently omitted from Robocast's proposed verdict form due to a clerical error during a last-minute change to Robocast's draft. If the Court upholds the Special Master's Order, which Robocast believes this Court should do for the reasons already set forth in Robocast's briefing (D.I. 453), Robocast suggests that the parties and this Court discuss the best way to handle Sports Channel for purposes of the jury instructions and verdict form at the upcoming pre-trial conference, or sooner if the Court requires.

Respectfully submitted,

/s/ Richard D. Kirk

Richard D. Kirk (rk0922)

cc: All Counsel